

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MONROE EVANS, and JOAN YATES)
EVANS, on behalf of themselves)
and all others similarly situated,) **Civil Case No.: 8:02-CV-472**
Plaintiffs,)
vs.)
AMERICAN CREDIT SYSTEMS, INC.,)
d/b/a LEGAL ADMINISTRATIVE)
SERVICES and d/b/a NATIONAL)
AUDIT SERVICES,)
CATHY SCHNEEBERGER A/K/A)
LIZ BAXTER and)
ELIAS ROBERT RUIZ, A/K/A)
ALAN ROBERTS,)
Defendants,)

**PLAINTIFFS' MOTION
TO DISMISS COUNTERCLAIM
OF DEFENDANT**

AMERICAN CREDIT SYSTEMS, INC.

Plaintiffs move this Court, pursuant to Fed. R. Civ. P. 12(b)(1), to dismiss the counterclaim contained in the Answer of American Credit Systems, Inc., (filing no. 73) on the grounds that the Court lacks jurisdiction over the subject matter. Defendants' counterclaim does not arise under the Constitution, laws or treaties of the United States, are not compulsory within the meaning of Fed. R. Civ. P. 13(a), no independent federal basis exists for the counterclaim and said counterclaim is not so related to Plaintiffs' claims within the meaning of 28 U.S.C. § 1337(a) as to fall within this Court's supplemental jurisdiction, and Defendant American Credit Systems does not state facts sufficient to have standing to bring the counterclaim, all as more fully set forth in Plaintiffs' Memorandum of Law in Support of Motion to Dismiss Counterclaim of Defendant American Credit Systems, Inc., filed contemporaneously herewith.

WHEREFORE, the Plaintiffs pray for an Order of this Court dismissing the Counterclaim of Defendant American Credit Systems, Inc.

Dated: October 6, 2003

Monroe Evans, et. Al., Plaintiffs,

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AND PUTATIVE CLASS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 6, 2003, I had electronically filed the forgoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to Defendants' counsel.

s/Pamela A. Car